



Attorney Docket No. 773.003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Herzog- Mesrobian/Seibel

Art Unit: 3643

Serial No.: 10/649,490

Examiner: Jeffrey Gellner

Filing Date: August 27, 2003

Confirmation No.: 5870

Title: POT COVER WITH DECORATIVE INDICIA

DECLARATION OF
PATRICIA L. HERZOG-MESROBIAN

UNDER 37 CFR § 1.131

Patricia L. Herzog-Mesrobian declares as follows:

1. I am an inventor of the invention set forth in the above-identified pending patent application, U.S. Serial No. 10/649,490
2. I have reviewed the Office Action dated September 15, 2005 in the above patent application and the references cited therein, namely, U.S. Patent No. 6,371,645 B1 to Rusert (hereinafter "the "Rusert" patent) and U.S. Patent No. 6,505,425 B1 to Gilbert al. (hereinafter "the Gilbert patent")
3. I conceived of a pot cover with decorative indicia system as described and claimed in the above pending application prior to the effective filing date of September 22, 1998 of the Rusert patent and prior to the effective filing date of May 24, 1999 of the Gilbert patent.
4. Exhibit A (TAB 1 and TAB 2) provides true and correct copies of written documentation prepared by myself concerning the claimed invention. These were originally written prior to the effective filing date of the Rusert patent and the Gilbert patent. TAB 1 evidences the document I filed with the US Patent Office on November 12, 1991 in which certain of the items set forth in the above identified patent application are disclosed. TAB 2 evidences a second disclosure filing with the US Patent Office on January 9, 1995.
5. Additional documentation in Exhibit A (TAB 3) shows the claimed features as described in my application, including at least one of the following: a zipper, button, hook, hook-and-loop fastener, snap, sewn seam, buckle and/or clasp.
6. Further, the documentation in Exhibit A (TAB 4) show the claimed indicia which conveys a message for one of the following special days: a holiday, a birthday, a wedding, an anniversary, Mother's Day, Father's Day, Boss's Day, and Secretary's Day.

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**DECLARATION OF PATRICIA HERZOG MESROBIAN
UNDER 37 CFR §1.131**

Appl. No. 10/649,490 by Mesrobian, et al

Group Art Unit: 3643

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7. Further, the documentation in Exhibit A (TAB 5) shows ornamentation which includes at least one of: a bead, a dangling decoration, silk-screened printing, a hologram, a button, graphics, stickers and text.

8. Further, the documentation in Exhibit A (TAB 6) shows ornamentation which includes at least one of: multiple layers of fabric, decorative ribbons and ties, patches, labels (attached by various methods) and pockets for holding pictures.

Further, the documentation in Exhibit A (TAB 7) shows indicia of craft kits including the invention to be decorated for home décor, holiday or party .

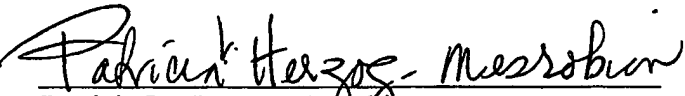
Further, the documentation in Exhibit A (TAB 8) shows ornamentation which includes at least one of: indicia display a text message or graphic that relates to a company or a logo.

9. At all times prior to at least one year prior to the priority filing date of the above-identified application, the invention remained confidential via the execution of non-disclosure statements by those individuals shown the invention. The documentation in Exhibit A (TAB 9) is a copy of a representative sample of the non-disclosure agreement signed.

10. At all times after the initial conception of the invention, up to and including the priority date of filing of the above-identified patent application on this invention; I worked diligently on developing the invention with no lapses occurring there between other than those arising as a result of moving three times (first in 1994 and then in 1996 and then in 1997) my personal divorce starting in 1999 and then health problems I encountered thereafter. During the intervening years market research was being conducted to assess market demand, styles and pricing. A focus group was employed in 1995- 1996 to determine potential market demand and pricing. The difficulties in resolving production and cost issues involving different types of stretch fabrics and construction were also being researched and resolved during that time.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: JAN 12 2006


Patricia L. Herzog-Mesrobian

**DECLARATION OF PATRICIA HERZOG MESROBIAN
UNDER 37 CFR §1.131**

Appl. No. 10/649,490 by Mesrobian, et al

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EXHIBIT A

(TABS 1-9)

<i>Tab</i>	<i>Keywords</i>	<i>Exhibit(s)</i>
1.	Copy of Disclosure Document filed with the Patent Office on November 12, 1991	
2.	Copy of Disclosure Document filed with the Patent Office on January 9, 1995	
3.	Zipper, button, hooks, hook and loop, snap, sewn, glued, button and clasp	3,8,11
4.	Indicia which conveys a holiday message or special occasion	1,7,13
5.	Ornamentation that includes a bead, dangling decoration, silk screen printing, a hologram, graphics, embroidery, film, stickers, and text	1,2,4,5,6,8,9,10,12,14
6.	Multiple layers of fabric, decorative ribbons, ties, patches, pockets or labels	1,3,4,7,
7.	Kits - home décor, holiday, party	7,8,13,14,15
8.	Premium market – business and team logos and emblems	5,9,11,12,13
9.	Sample of Non-Disclosure Agreement	



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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295532

DISCLOSURE DOCUMENT RECEIPT NOTICE

Receipt of your Disclosure Document and Government fee of \$6 is acknowledged. The date of receipt and the Disclosure Document identification number have been stamped on the attached duplicate copy of your request. This date and number should be referred to in all communications related to this Disclosure Document.

WARNING

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

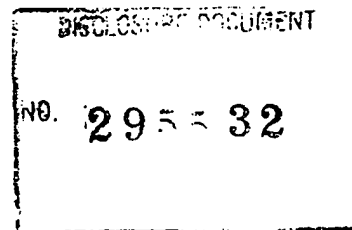
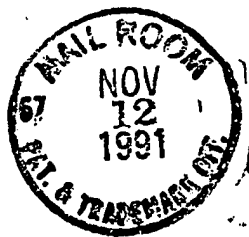
Your Disclosure Document will be destroyed two years after the date it was received by the Patent and Trademark Office unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a letter of transmittal in a new patent application or by a separate letter filed in a pending application. Unless it is desired to have the Patent and Trademark Office retain the Disclosure Document beyond the two-year period, it is not required that it be referred to in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his or her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the Patent and Trademark Office. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, D.C. 20402. Patent attorneys and agents are also listed in the telephone directories of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.



Invention Disclosure Document.



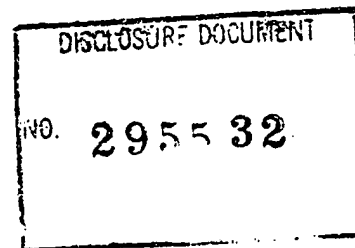
DISCLOSURE DOCUMENT
No. 295532

The undersigned, being the inventor of the disclosed invention, request that the enclosed papers be accepted under the Disclosure Document Program and that they be preserved for a period of two years.

Patricia Herzog Mesrobian

PATRICIA HERZOG-MESROBIAN, PRINCIPAL

UTILITY PATENT
DESIGN PATENT



Background.

Clay pots have been and continue to be the most desirable containers used for growing plants. They allow both air and moisture to penetrate through its porous sides thus creating a healthy environment for the plants.

Clay pots are however heavy, bulky, easy to break and expensive. These considerations have forced nurseries to use mostly plastic containers. This has become possible following the addition of side and bottom holes to these plastic containers, and *adjusting Soil Composition.*

In order to make these plastic containers cosmetically appealing, their exterior is covered with plastic or paper prior to their sale. This covering, albeit temporary, prohibits adequate aeration, drainage and evaporation. In addition, their use is limited to a one time use only because of wear and tear. Thus, while plastic containers offer distinct advantages they do not fulfill some of the requirements that make the clay pots so desirable.

The following is an introduction of our unique way of resolving this conflict between shape and function. Our aim is to capture the unique shape and silhouette of every pot while enhancing the beauty of the plant it possesses resulting in an artistic sculpture. At the same time we aim at maintaining the health of the plant and the environment in which we live.

Invention: Fabric Flower Pot/Container/Vase ^{basket} Covers with
accessories, AND Jewelry.

Purpose.

1. To provide a healthy environment for the plant. By using breathable and "skin friendly" fabrics, it allows for aeration, drainage and evaporation.
2. Durable and washable fabrics makes them reusable indoors and outdoors. This will diminish the amount of waste products. Furthermore, unwanted nursery containers can be easily transformed into decorative baskets obviating the need of disposing of them.
3. By virtue of the fact that these covers can be interchangeable, they allow for multiple combinations of arrangements with pots, containers etc... They can be used alone or in combination with accessories adding to their versatility, attraction and excitement.
- * 4. They will be economical as using basic or reversible covers with accessories or alone can result in universally affordable decorative designs. *Extremely Beneficial for covering LARGE-Heavy Pots.*
5. The properties of the fabrics available today make them easy to use as they are stretchable and malleable. Thus, these products are easy to slip over, under or wrap around a range of pot sizes and shapes.
6. The soft nature of the covers will help protect furniture that would have been otherwise scratched.
7. The snug fit of the cover allowing for the saucer and the pot to move as a unit will facilitate transportation.
8. Finally, the nature of the fabric will allow easy storage in small and compact places.

* - LARGE BULKY Pots/CONTAINERS HAVE ALWAYS BEEN difficult TO MANAGE— and Handle.— AND ONCE filled with dirt and or flower/shrubbery hard to cover--

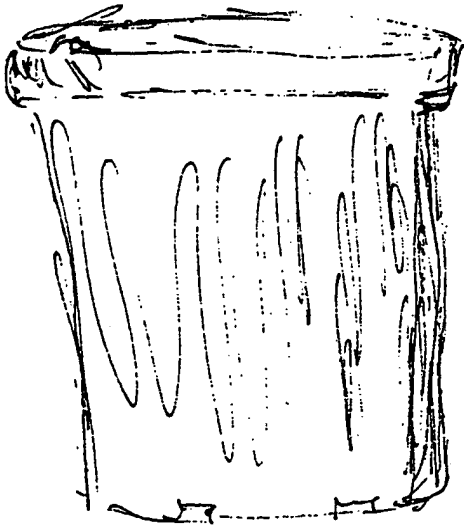
Applications of the invention.

The products described above can be used on and around the exterior of the following: , (but NOT limited TO)

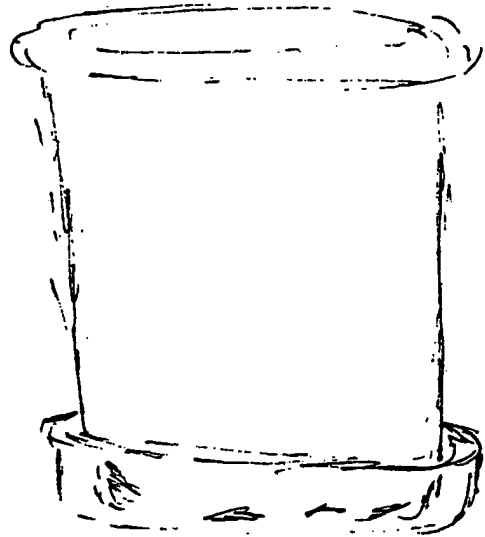
1. Plastic nursery containers and pots of various sizes and shapes.
2. Plastic decorative containers and pots of various sizes and shapes.
3. Clay, stone, concrete, metal, straw, wood nursery or decorative containers and pots of various sizes and shapes.
4. Vases made of plastic, glass, ceramic and stone of various sizes and shapes.
5. Waste paper baskets of various sizes and shapes.

Examples of various designs. but not limited to the following:

1. examples of Flower pot | container | vase | basket styles / types shown with or without cover. Showing potential uses.
2. Examples of flower pot - container | vase - basket covers, designs, their applications - as 1st piece Slipping on or over, wrapping around - with closures, Zippers, Velcro, ties.
3. examples of various decorative designs - and decorative type of accessories / ^{Jewelry} to attach to the cover or original container without cover.



PLASTIC NURSERY CONTAINER

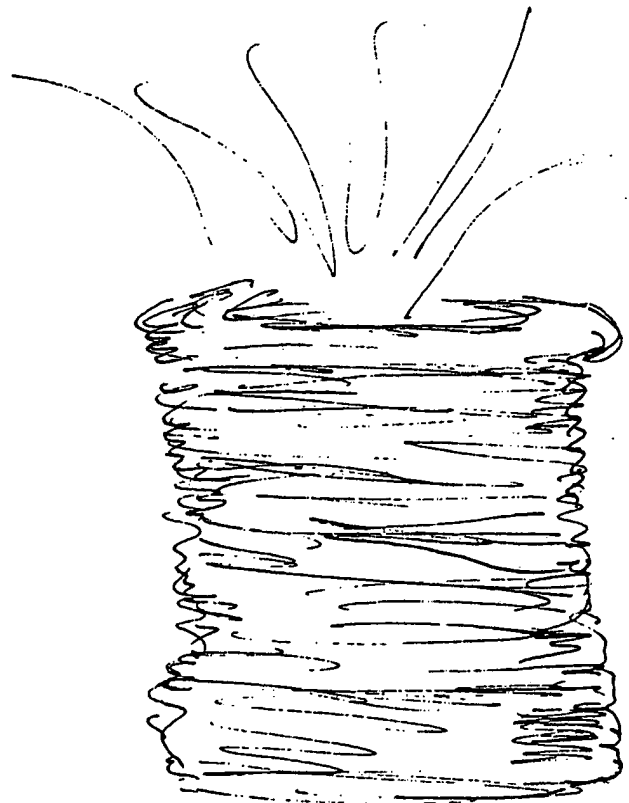


NURSERY CONTAINER WITH PLASTIC TYPE SAUCER



PLASTIC NURSERY CONTAINER WITH Fitted cover, Loose sash/drape + Buttons.

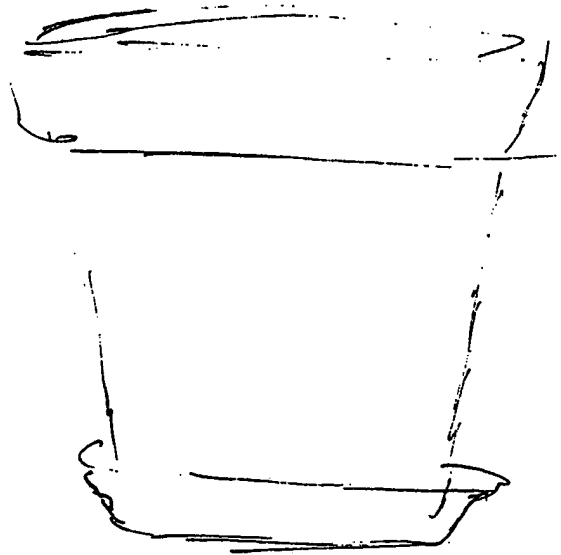
(drape can either be attached or detachable)



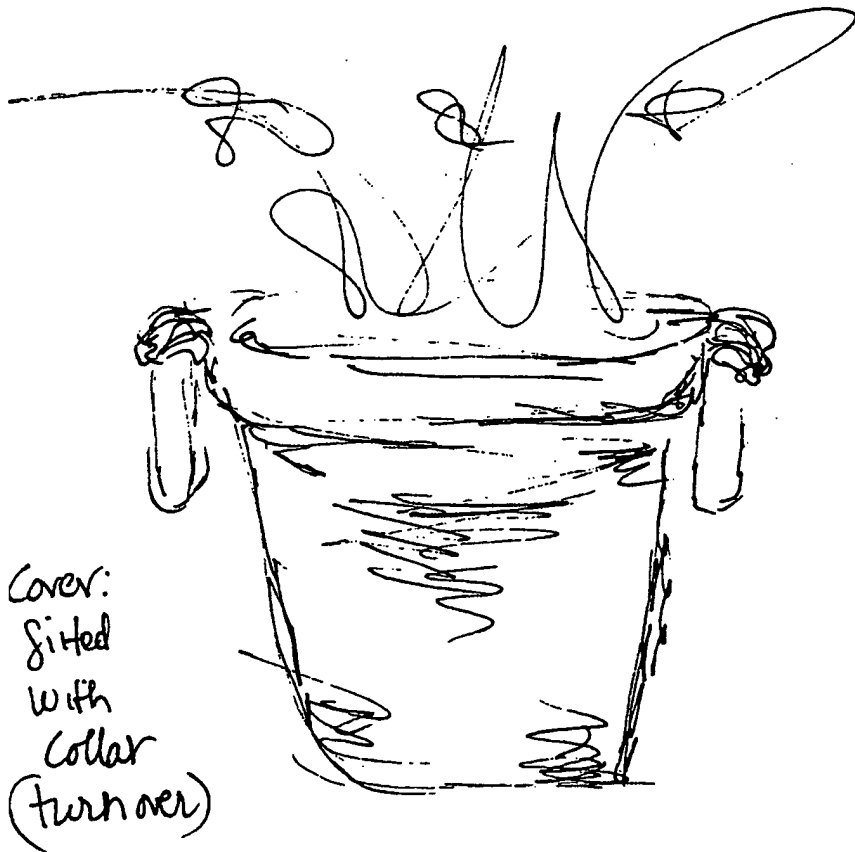
PLASTIC NURSERY CONTAINER with saucer, covered by loose fitted cover.. and pulled tight to create skin tight fit.

SOME EXAMPLES - BUT NOT LIMITED TO THE FOLLOWING.

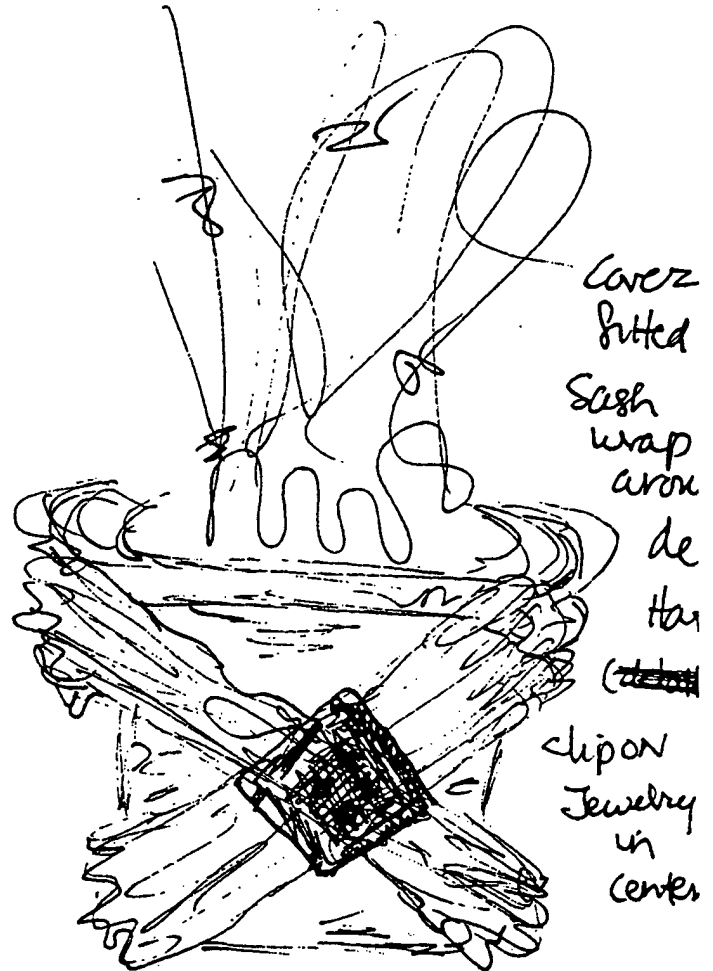
Clay pots- with or with saucer



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Cover:
Fitted
With
Collar
(turn over)
Attachable
Jewelry (rings)
With
Velcro

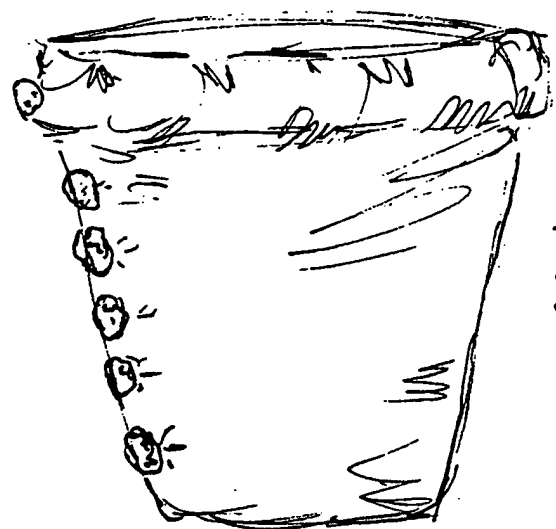
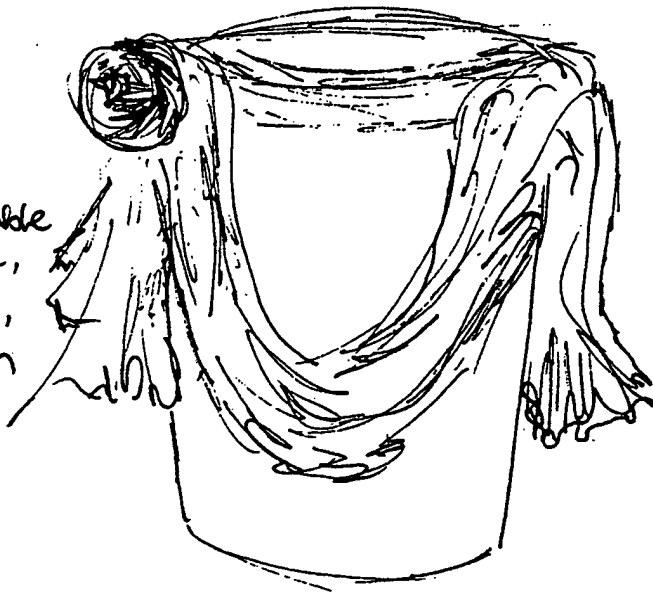


Cover
Fitted
Sash
wrap
around
de
the
(~~clay~~)
clip on
Jewelry
in
center

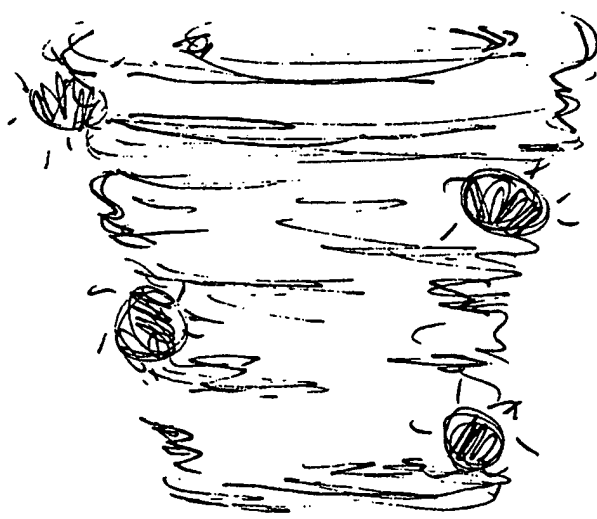
Some examples - But NOT Limited to the Following

STANDARD Plastic or
terra cotta containers

cover:
fitted-
attachable
drape,
rosette,
Button



cover:
fitted with
collar
snaps



cover:
fitted
loose
with
removable
flashing
lights

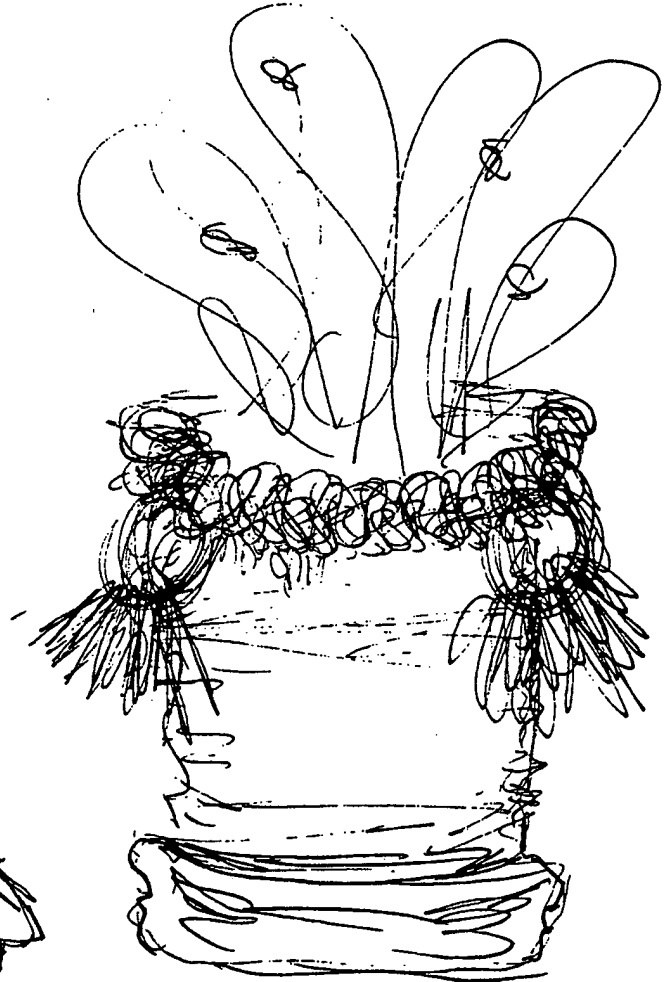
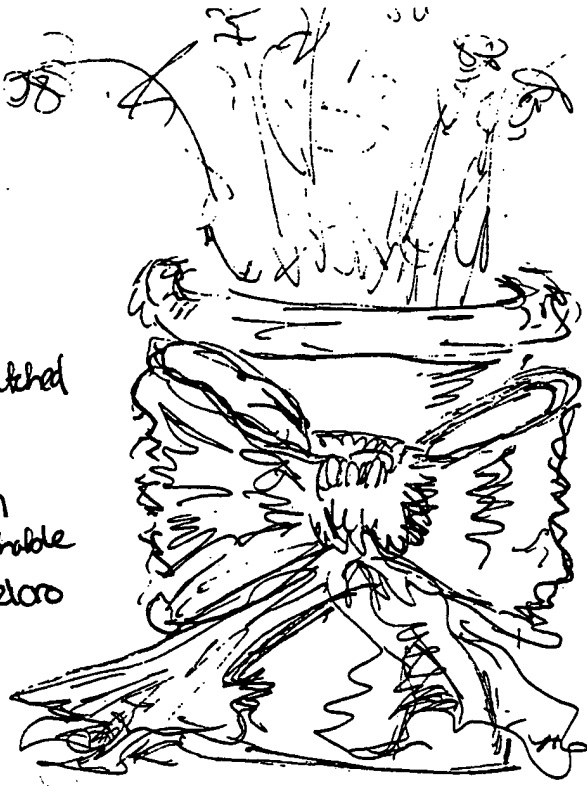
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Some examples - but NOT limited to the following

without saucer

10

Cover:
fitted,
Bow attached
by tie.
french
ribbon
or attachable
with velcro



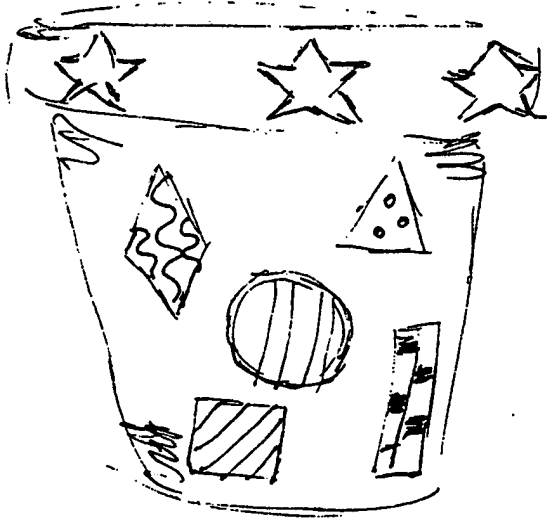
Cover: Fitted, cording on top
Attachable - rings and
tassels
with velcro



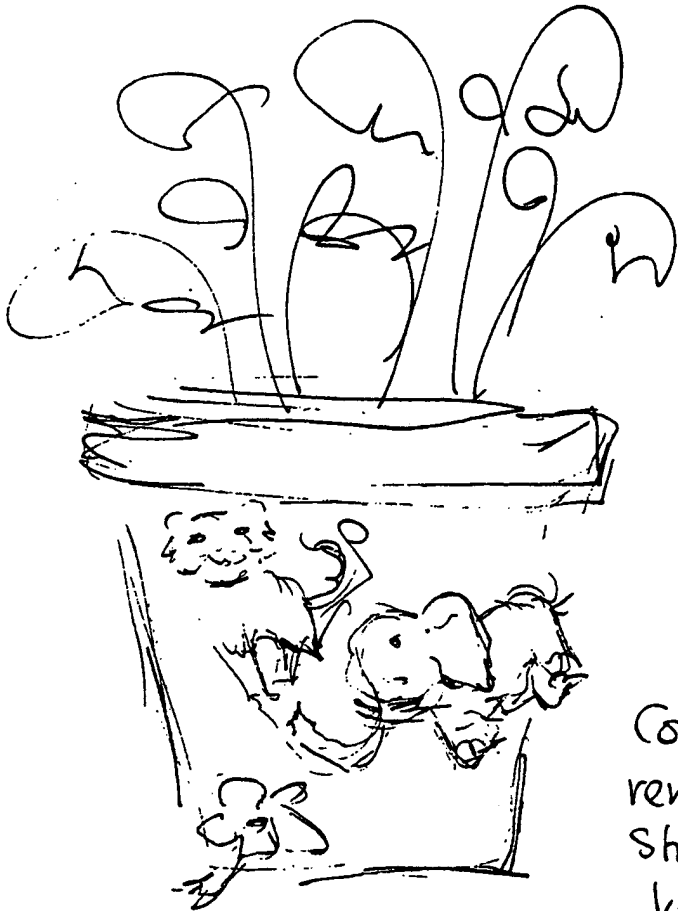
Cover- fitted reversible,
with collar, and zipper
(Beneficial Large Pots)

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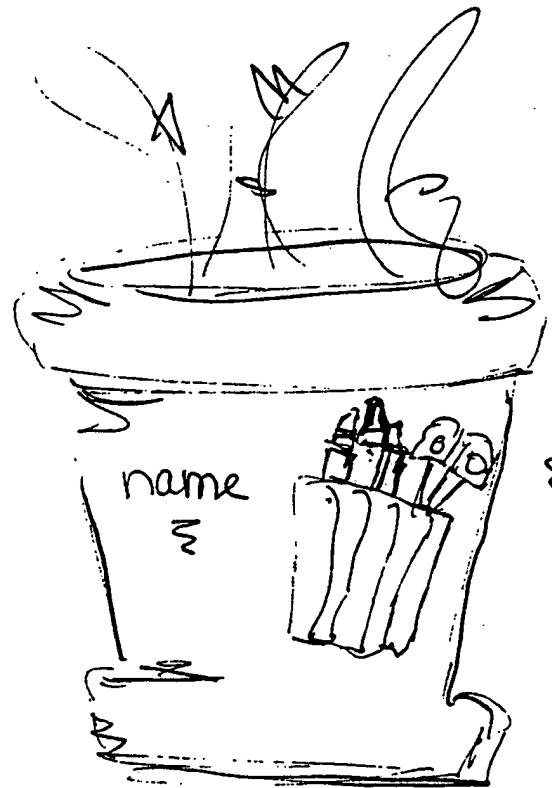
SOME EXAMPLES, BUT NOT LIMITED TO THE FOLLOWING.



Cover:
 fitted - velcro
 removable shapes
 (flat shapes made of various textures and materials)



Cover: fitted
 removable
 stuffed figures
 velcro
 attached



cover:
 fitted
 stencil
 pocket

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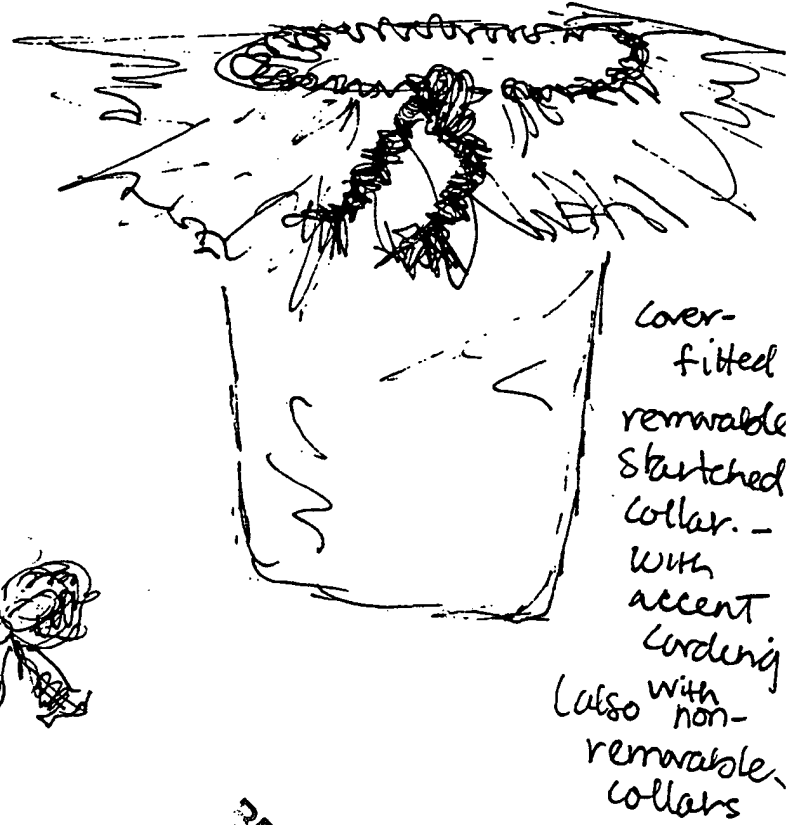
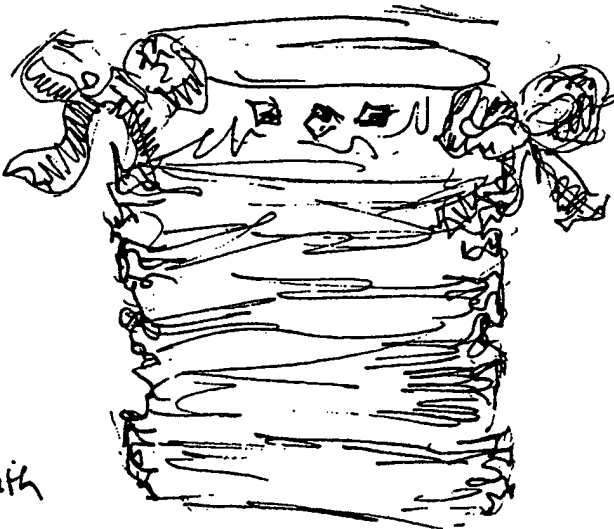
Some examples - but not limited to the following.

PLASTIC NURSERY POT With or without saucer

Cover
Fitted wrap
around.
Attached with
velcro,
closure,
attachable
Decorative
ornament
(Beneficial for
Large Pots)



Cover-
Fitted
2 seams
elastic
Pull
Ties
on either
side of
cover.
Collar with
Decorative
Jewels.

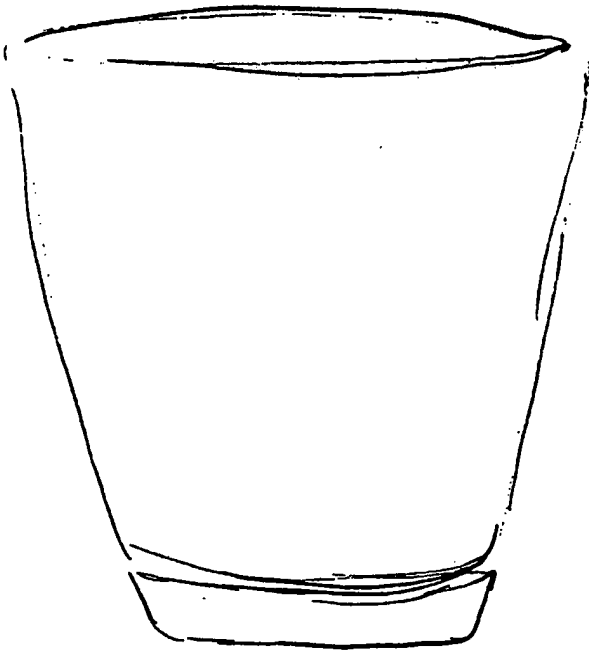


Cover-
fitted
removable
stitched
collar. -
with
accent
cording
Also with
non-
removable
collars

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SOME EXAMPLES, but NOT limited to the Following

Pot
DECORATIVE PLASTIC 2 piece snap on saucer



Cover
fitted.
Decorative
embroidered
cord
tassels
Velcro
attachment



Cover:
fitted
wrap
around
velcro
closure
Sash
Bow

(sashet,
pocket
IN
Bow)

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Some examples - but not limited to the following



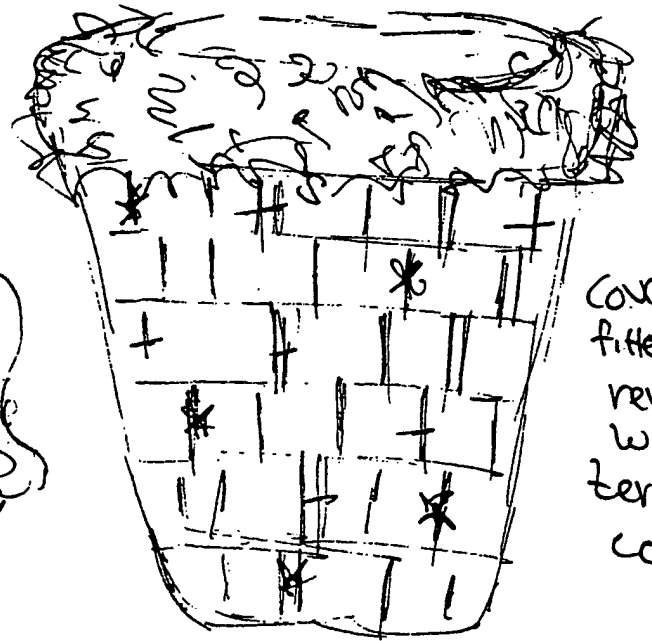
Cover - Fitted
WRAP
Velcro closure
Sachet / poppurri
Insert into decorative
Ornament
Jewelry.



Cover -
Fitted wrap
velcro closure
With
Loose
drape
and
Standup
flower or shell
design.

Cordung.

Shell or flower can be filled a poppurri



Cover
Fitted
vel
wrap
tassel
cc

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Some examples - but NOT
limited to the Following



cover: fitted with small
collar
reversible



cover:
fitted
with
standing
starched
collar
accent
corded

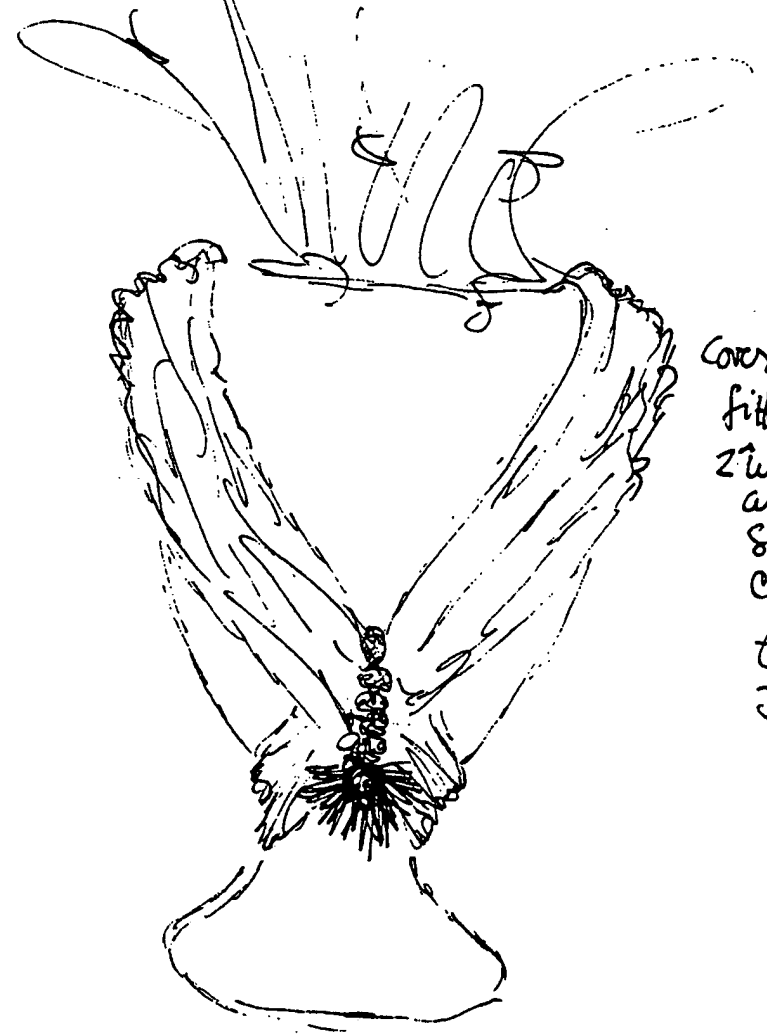
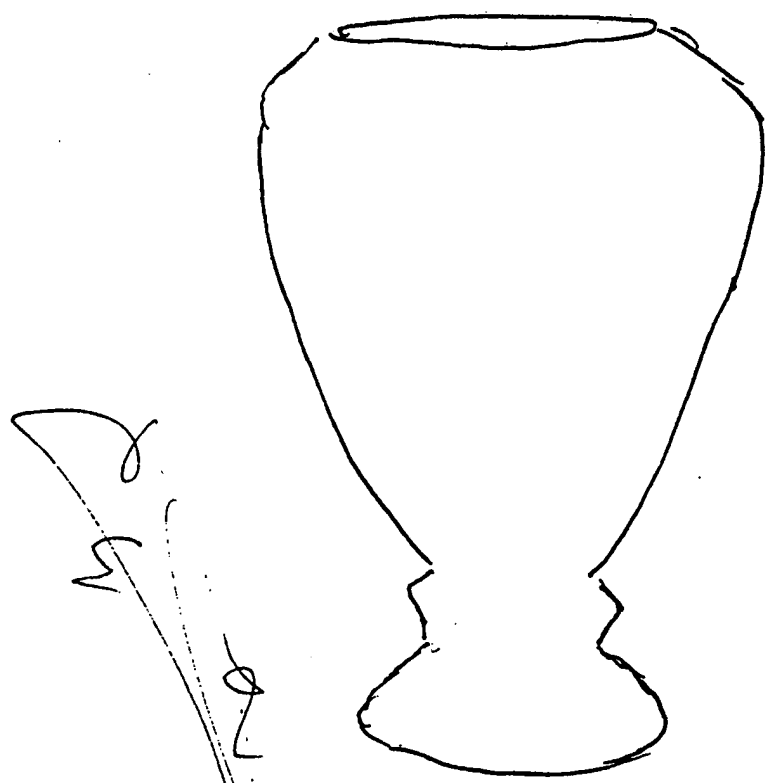


cover: fitted
detachable
jewelry rings
velcro
drape through
rings

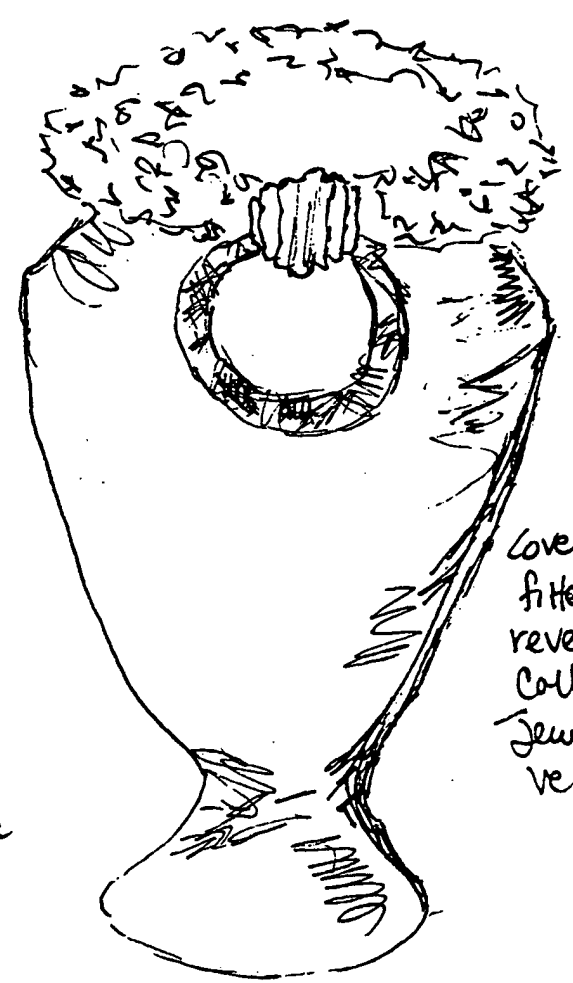
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one examples - but not limited to the following

Pedestal type vase



cover:
fitted
2 circular
wraps
around
sashes -
cording -
tassels -
Jewelry

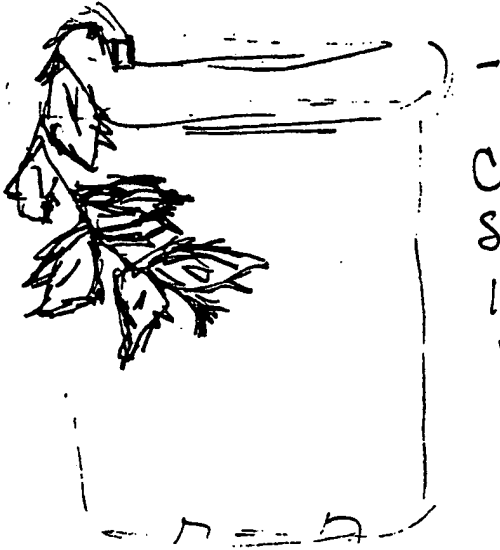


cover:
fitted
reversible
collar
Jewelry
velcro

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Some examples. -but not limited to the following

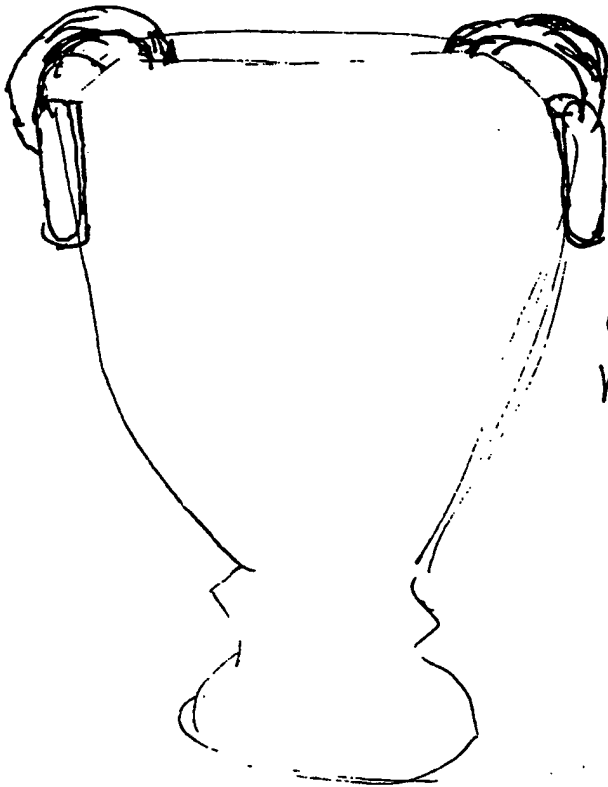
FLAN UNCOVERED Flower Pots / CONTAINERS
 With clips on / INSERT
 Jewelry Stick



Clip /
 Stick
 INSERT
 Malleable
 Metals



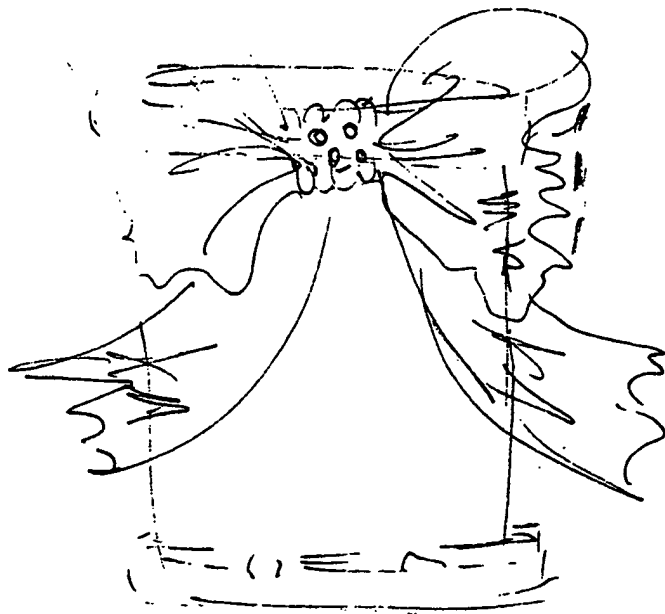
Clip &
 INTERCHANG-
 ABLE
 Jewelry
 pieces
 or embroidery
 emblems



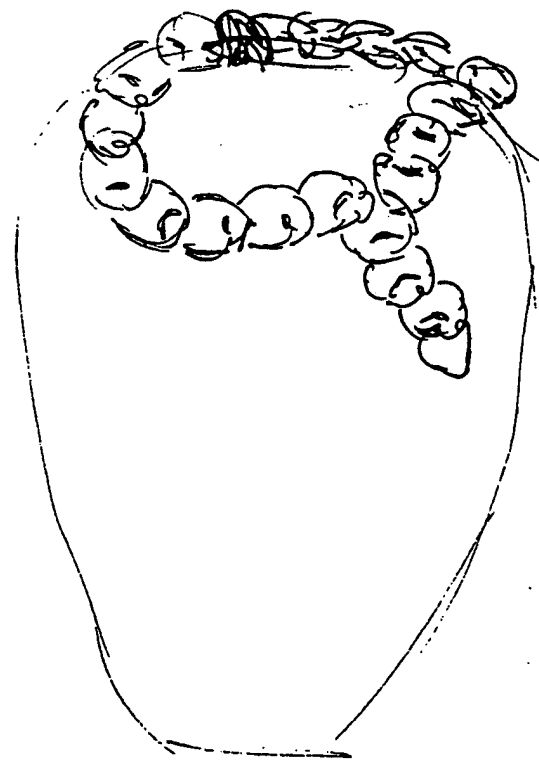
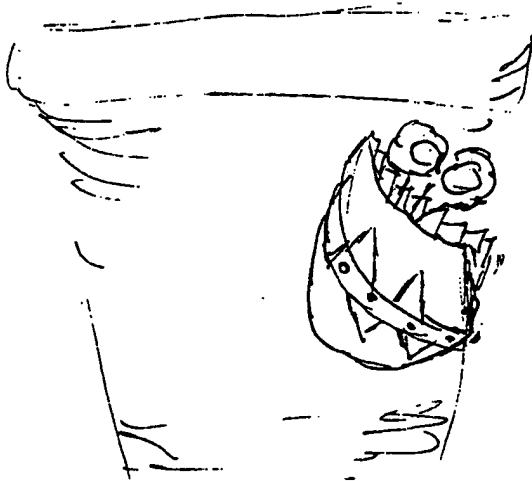
clip
 rings

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ABOVE DESIGNS / IDEAS NOT LIMITED TO:
 some example but



Clip on
Velcro inter-
changeable
Flashing
light Bow



Clip on
Chain
links

Attachable
pockets
for holding
scissors / directions
small gifts etc.
(USED also on covers - Attached permanently)

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Some examples - but not limited to the Following

Materials used for covers and accessories with various combinations(not limited to the following).

Fabric Materials.

Cotton, wool, silk, linen, fur, leather(woven, knits, stretch), lycra, spandex, supplex, antron, polyester, dacron, acrylic, acetate.

Variations.

Flannels, jerseys, jacquard, fleece, ~~velour~~ ^{velour}, velvet, dobby, gabardene, denim, canvas, twill, leno, suede, batiste, broadcloth, oxford, chambray, terrycloth, french terrycloth, corduroy, herringbone, poplin, ponges, crepe de chine, taffeta, ~~mare~~ ^{moire}, voile, chinz, chiffon, lace, tricot, rachel, *Agate*, ~~stamping~~ ^{stamping}, ~~brocade~~ ^{brocade}.

Textures.

Ribs, crinkles, puckers, pleats, bubble, metallics, sparkles, embroidery, brushed, embossed, vinyl, liquid metal, rubberized, laminates, starched.

Patterns.

Stripes, plain, plaid, checks, geometric, floral, pokadot, animal prints.

Process.

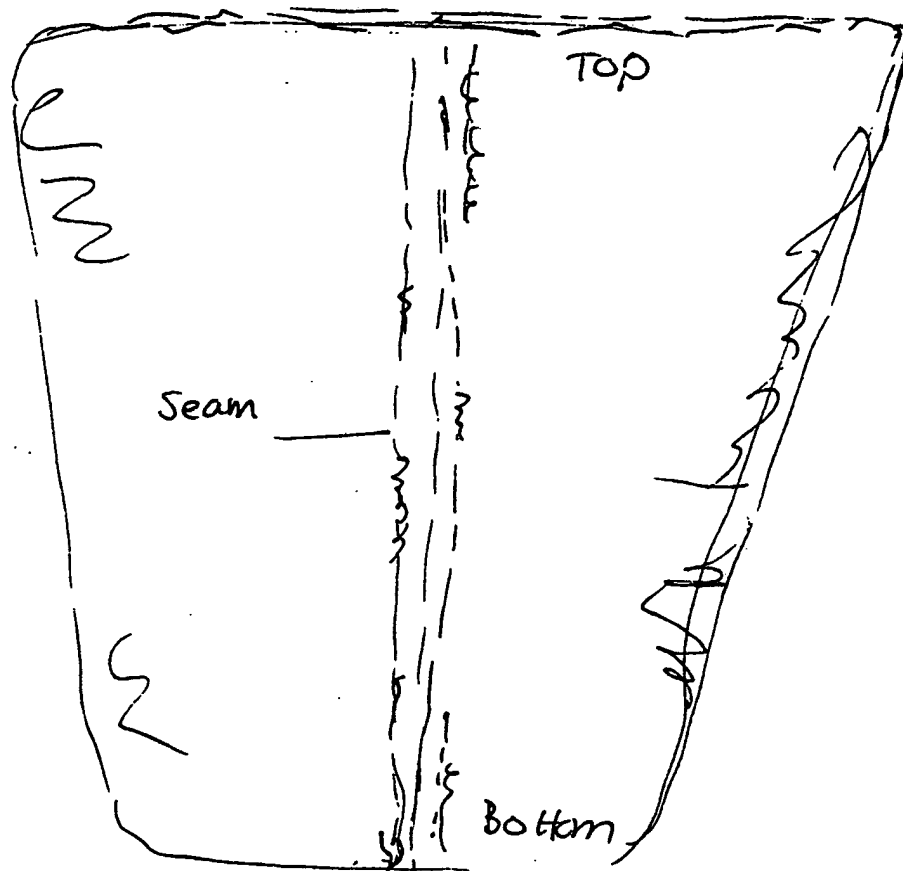
Silkscreened, stencilled, hand painted, embroidery and ~~miscellaneous~~.

Miscellaneous
Materials.

gemstones Thread, elastic, velcro, buttons, zippers, snaps, hook and eye closures, boning, cording, ribbons, ties, french ribbons, bows, rosettes, tassels, fringe, beads, studs, faux gems/stones, plastics, metal jewelery, costume, clips, *Charms* chains, wire, novelty decorating items, wood, cardboard, feathers, sparkles, glitter, sequenes, netting mesh, faux leathers, faux fur, potpourri etc... *embroidered; Emblems*

Brief
Pattern design when sewn together - 1-2-or
more seams - But not limited to the following.

Lying Flat
Inside out

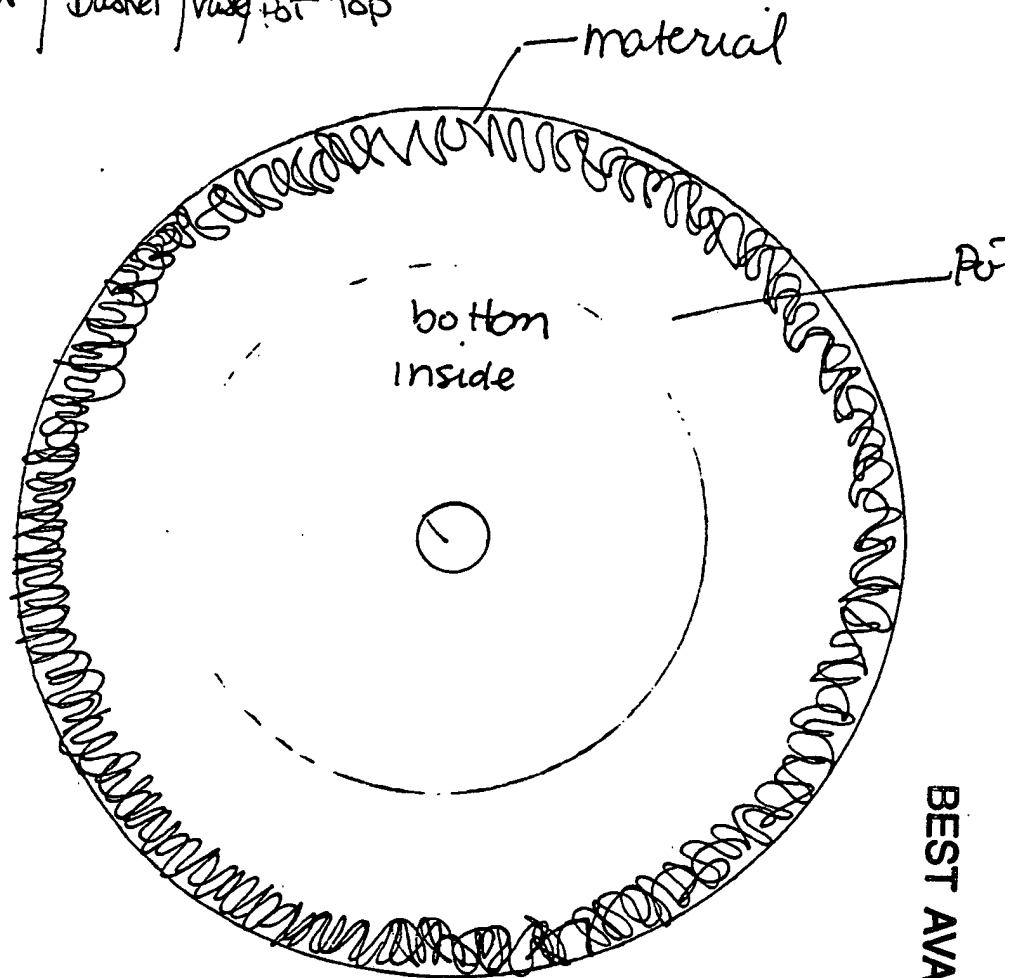


Velcro-Zippers
Placed in
Seam
Junction

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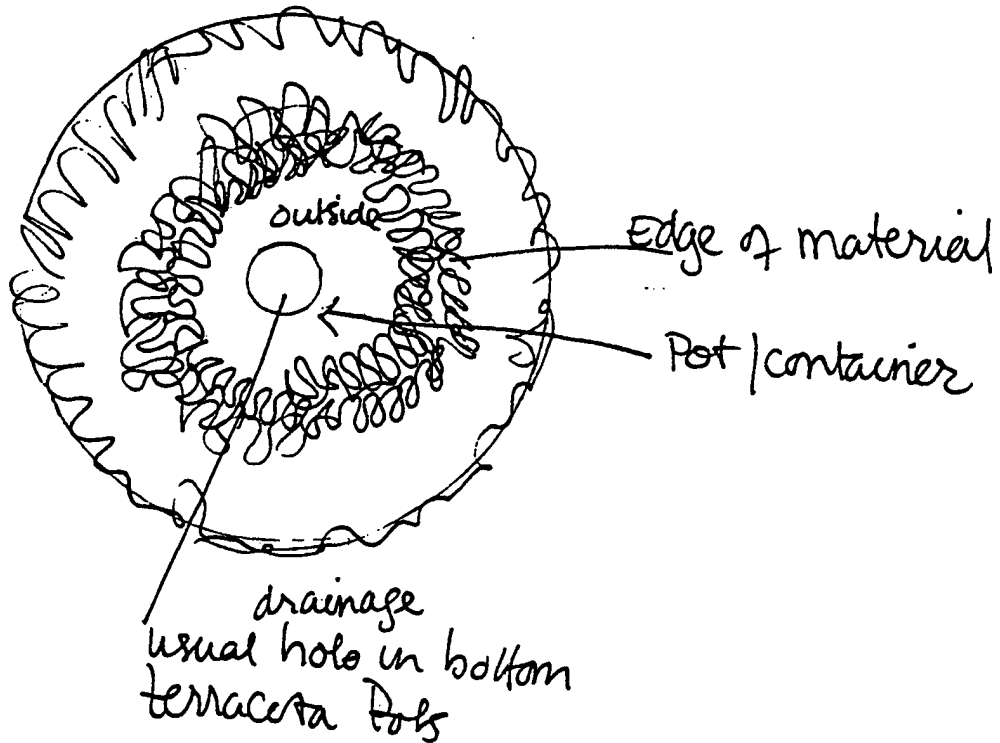
Size of Pattern will vary according to vessels being covered,
material / fabric used - stretch and non-stretch.
pleats, collar - extra Pattern designs added into to total
fabric pattern concept.

Container / basket / vase / pot top



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Pot Bottom





DISCLOSURE DOCUMENT NO.

368222

FILING FEE: \$10.00

RETAINED FOR 2 YEARS

THIS IS NOT A PATENT APPLICATION



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

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The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his or her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the Patent and Trademark Office. The publication, Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office, is available from the Superintendent of Documents, Washington, D.C. 20402. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.



**UNITED STATES DEPARTMENT OF COMMERCE
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DISCLOSURE DOCUMENT

2955 32

DISCLOSURE DOCUMENT RECEIPT NOTICE

Receipt of your Disclosure Document and Government fee of \$6 is acknowledged. The date of receipt and the Disclosure Document identification number have been stamped on the attached duplicate copy of your request. This date and number should be referred to in all communications related to this Disclosure Document.

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DISCLOSURE DOCUMENT	
NO.	295532

Invention Disclosure Document.



DISCLOSURE DOCUMENT
No. 295532

The undersigned, being the inventor of the disclosed invention, request that the enclosed papers be accepted under the Disclosure Document Program and that they be preserved for a period of two years.

Patricia Herzog Mesrobian

PATRICIA HERZOG-MESROBIAN, PRINCIPAL

Patricia Herzog-Mesrobian

PATRICIA HERZOG-MESROBIAN, PRINCIPAL

UTILITY PATENT
DESIGN PATENT



(2)

DISCLOSURE DOCUMENT	
NO.	295532

Background.

Clay pots have been and continue to be the most desirable containers used for growing plants. They allow both air and moisture to penetrate through its porous sides thus creating a healthy environment for the plants.

Clay pots are however heavy, bulky, easy to break and expensive. These considerations have forced nurseries to use mostly plastic containers. This has become possible following the addition of side and bottom holes to these plastic containers, and *adjusting Soil Composition.*

In order to make these plastic containers cosmetically appealing, their exterior is covered with plastic or paper prior to their sale. This covering, albeit temporary, prohibits adequate aeration, drainage and evaporation. In addition, their use is limited to a one time use only because of wear and tear. Thus, while plastic containers offer distinct advantages they do not fulfill some of the requirements that make the clay pots so desirable.

The following is an introduction of our unique way of resolving this conflict between shape and function. Our aim is to capture the unique shape and silhouette of every pot while enhancing the beauty of the plant it possesses resulting in an artistic sculpture. At the same time we aim at maintaining the health of the plant and the environment in which we live.

Invention: Fabric Flower Pot/Container/Vase^{basket} Covers with
accessories, AND Jewelry.

(23)

Materials used for covers and accessories with various combinations(not limited to the following).

Fabric Materials.

Cotton, wool, silk, linen, fur, leather(woven, knits, stretch), lycra, spandex, supplex, antron, polyester, dacron, acrylic, acetate.

Variations.

Flannels, jerseys, jacquard, fleece, ^{velour}velour, velvet, dobby, gabardene, denim, canvas, twill, leno, suede, batiste, broadcloth, oxford, chambray, terrycloth, french terrycloth, corduroy, herringbone, poplin, ponges, crepe de chine, taffeta, ~~mare~~ voile, chinz, chiffon, lace, tricot, rachel, *Aque*
~~stamping~~ *moire*
~~stamping~~ *brocade*.

Textures.

Ribs, crinkles, puckers, pleats, bubble, metallics, sparkles, embroidery, brushed, embossed, vinyl, liquid metal, rubberized, laminates, starched.

Patterns.

Stripes, plain, plaid, checks, geometric, floral, pokadot, animal prints.

Process.

Silkscreened, stencilled, hand painted, embroidery and ~~miscellaneous~~.

miscellaneous
Materials.

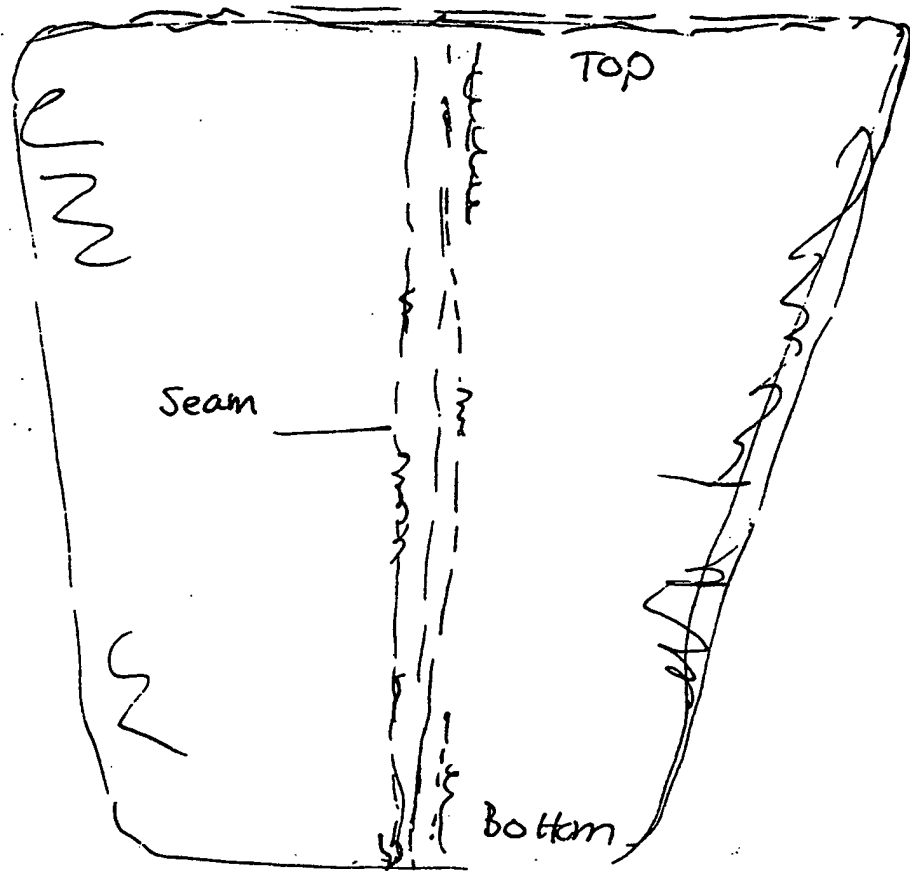
Thread, elastic, velcro, buttons, zippers, snaps, hook and eye closures, boning, cording, ribbons, ties, french ribbons, bows, rosettes, tassels, fringe, beads, studs, faux gems/stones, plastics, metal jewelery, costume, clips, *Charms* chains, wire, novelty decorating items, wood, cardboard, *Chains* feathers, sparkles, glitter, sequenes, netting mesh, faux leathers, faux fur, potpourri etc... *embroidered; Emblems,*

Thinstones

Brief
Pattern design when sewn together - 1-2-or
more seams - But not limited to the following.

(1).

Lying FLAT
inside out

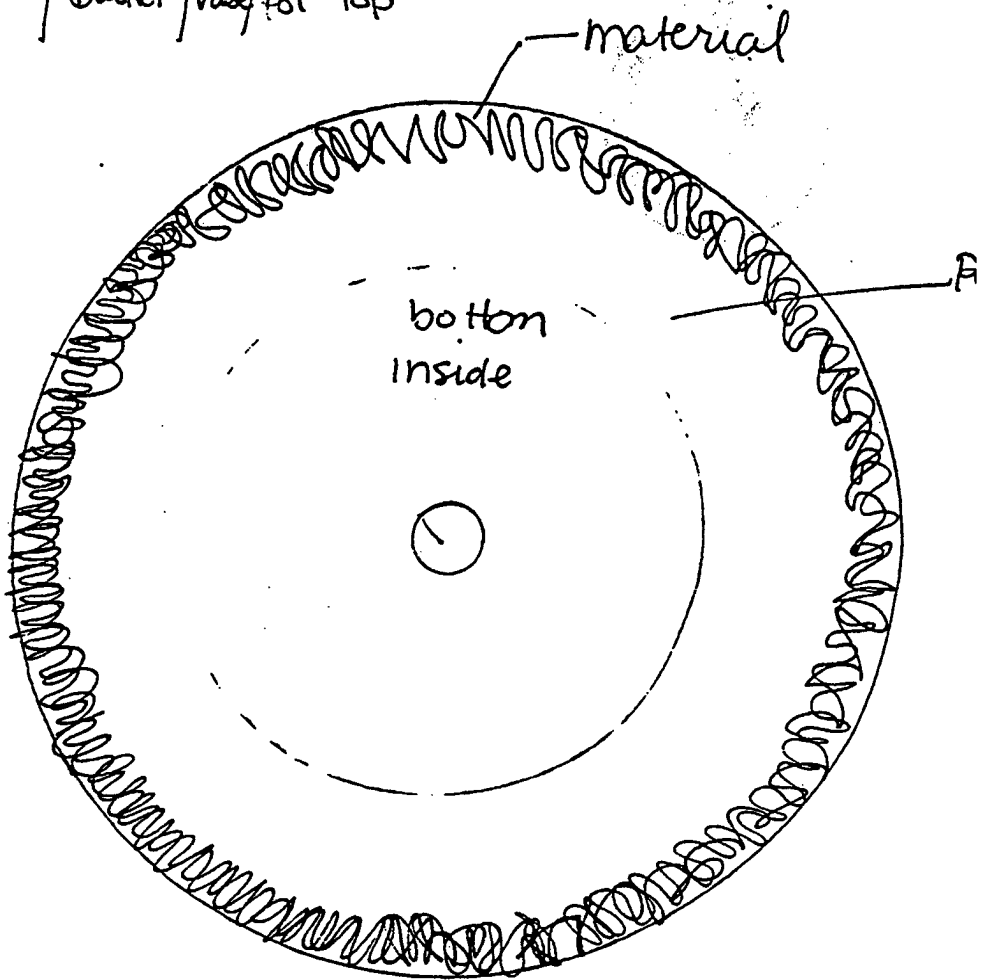


Velcro-Zippers
Placed in
Seam
Junction

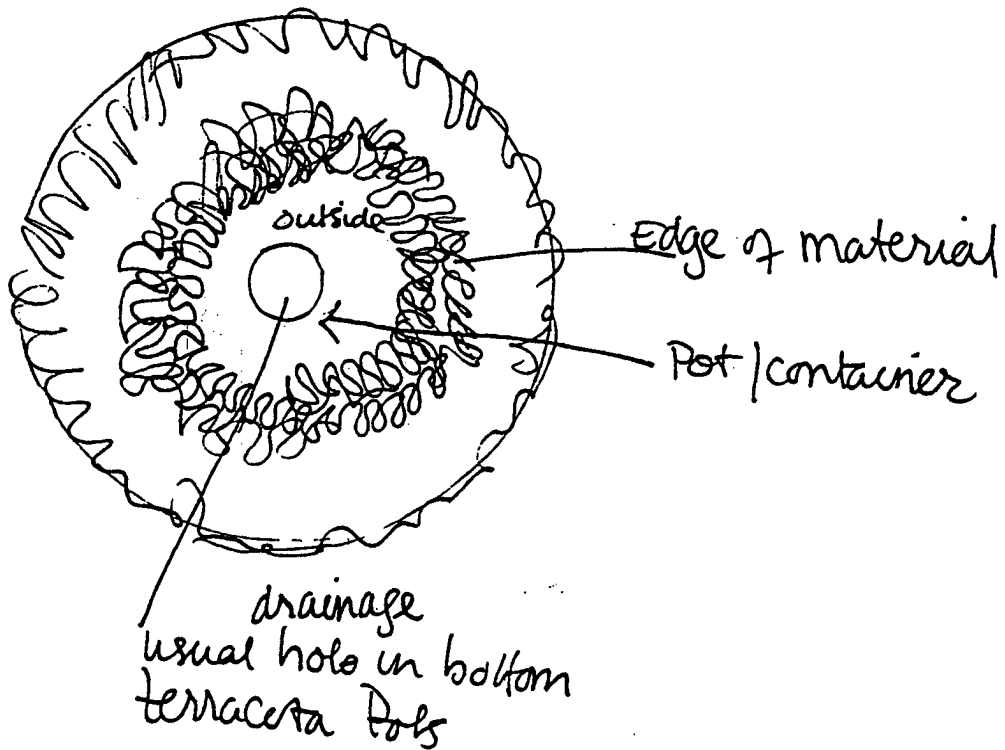
Size of Pattern will vary according to vessels being covered,
material / fabric used - stretch and non-stretch.
pleats, collar - extra Pattern designs added into to total
fabric pattern concept.

Container / basket / vase / pot top

①



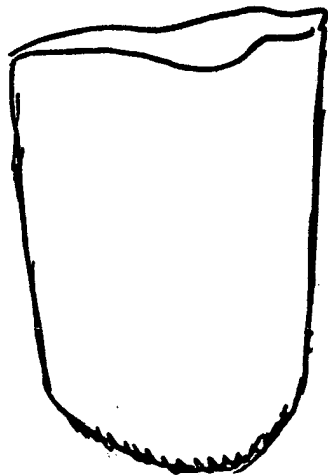
Pot Bottom



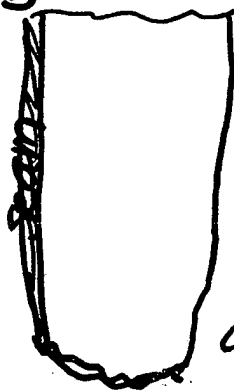
② POT, CONTAINER

BASKET / VASE

a.



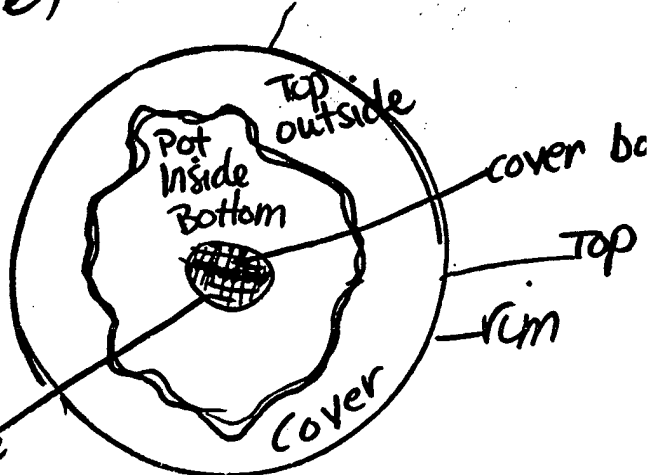
b.



Pot (used in illustration)
not limited to all the
views

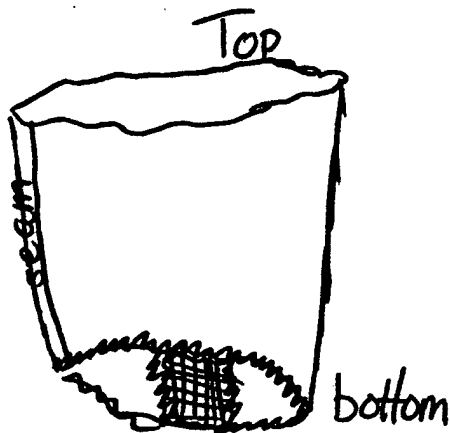
Views
on pots

Pot
drainage
hole

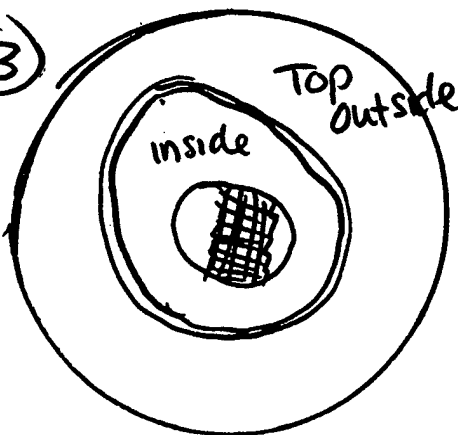


a.b.

③



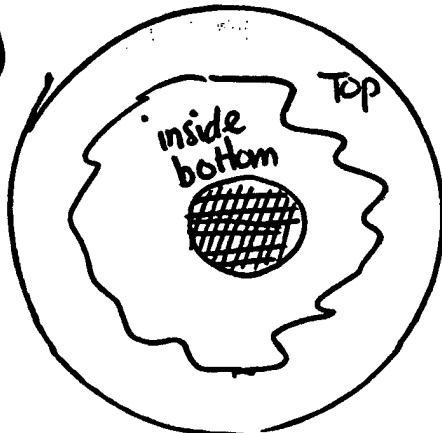
③



④



④



CONFIDENTIALITY AGREEMENT

Gentlemen:

Patricia Hertz Mesrobian has furnished our officers, representatives and employees certain "Confidential Information", concerning the business and operations of Patriz Mesrobian - HBS ("the Company"). As used herein, "Confidential Information" means all oral or written data, reports, interpretations, forecasts and records containing or otherwise reflecting information concerning the Company or its present or future products not available to the general public which we will obtain for the sole purpose of evaluating the business and operations of the Company with regard to a potential sale, merger or investment.

In consideration of the Company's agreement to provide us with the Confidential Information, we hereby agree to abide by each and every term and condition set forth herein. We further acknowledge that each of such terms and conditions is necessary to preserve the confidentiality of the Confidential Information and that a breach of any of the terms and conditions hereof might result in irreparable damage to the Company. In acknowledgment of these facts, we hereby agree as follows:

1. Our officers, representatives and employees will abide by the terms of this Agreement to the same extent that we are required to do so.
2. We will take all necessary and appropriate efforts to safeguard the Confidential Information from disclosure. In furtherance of such efforts, we will not duplicate or distribute to anyone other than our authorized representatives any of the Confidential Information without prior authorization from the Company. We also will not use the Confidential Information for any other purpose, including any competitive purpose.
3. We will not make such material available to any other person or group for any other purpose whatsoever. Without the Company's prior written consent, we will not disclose to any person the fact that we have obtained Confidential Information from the Company, or that discussions or negotiations are taking place concerning a possible transaction between us and the Company or the status thereof, unless, in the opinion of our counsel, such disclosure is required by law or by court order (in which case we shall advise and consult with the Company and its counsel prior to any disclosure we propose to make concerning the reasons for, and nature of, our proposed disclosure).
4. We will keep a record of the location of the Confidential Information, and at the conclusion of our review of the Company's business and operations, or upon the request of the Company, all Confidential Information will be returned by us and our authorized representatives to the Company.
5. We will direct all communications, inquiries and requests regarding the Confidential Information to Patricia Hertz Mesrobian. We will not contact the management and employees of the company directly without the permission of Patricia Hertz Mesrobian.
6. We will not solicit to employ any of the current employees of the Company for employment in any area competitive with the operations of the Company so long as they are employed by the Company during the period in which there are discussions conducted pursuant hereto and for a period of two years thereafter without obtaining the prior written consent of the Company.

This Agreement shall not apply after a period of three years from the date hereof and shall not apply to that Confidential Information which (i) becomes generally available to the public, (ii) becomes available to us on a non-confidential basis, provided that the source of such information is not prohibited from transferring that information by a contractual, legal or fiduciary obligation to the Company or (iii) is developed by us independently of the Company. If information is obtained by us on a confidential basis from another source, then this Agreement will not restrict our right to use (but not disclose) such information.

This Agreement shall be governed and construed in accordance with the laws of the State of Florida.

AGREED AND ACCEPTED:

By: Ulrich Research Services Inc.

Name: Nancy C. Ulrich

Title: President

Date: January 13, 1995

Acknowledged:

By: PATRICIA HEZIG-MENSKIN

Name: Patricia Hezig-Menskin

Title: _____

Date: _____

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